

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION

JOHN HOLSEY BEY,

**ENTERED**

*aj*

Plaintiff

JUL 07 2004

vs.

) CASE NO. CV03-C-2629-W

COMMISSIONER DONAL CAMPBELL,

WARDEN CHERYL PRICE, and

CHAPLAIN RAY SMITH,

Defendants

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**MEMORANDUM OF OPINION**

The magistrate judge filed a report and recommendation on April 28, 2004, recommending that the defendants' motion for summary judgment be granted and this cause be dismissed with prejudice. Plaintiff filed objections to the magistrate judge's report and recommendation on June 18, 2004.<sup>1</sup>

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and plaintiff's objections thereto, the Court hereby OVERRULES the objections and ADOPTS the report of the magistrate judge. The Court further ACCEPTS the recommendations of the magistrate judge and EXPRESSLY FINDS

<sup>1</sup> Plaintiff correctly noted in his objections that the defendants filed their special report on February 11, 2004, rather than February 11, 2003, as stated in the report and recommendation. However, this typographical error or misstatement of the date does not change the fact that there are no genuine issues of material fact remaining in this case such that the defendants are not entitled to summary judgment.

that there are no genuine issues of material fact and that the defendants are entitled to judgment as a matter of law. Accordingly, defendants' motion for summary judgment is due to be GRANTED and this action is due to be DISMISSED WITH PREJUDICE. A Final Judgment will be entered.

DONE this 6<sup>th</sup> day of July, 2004.



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Chief United States District Judge  
U. W. Clemon